



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,351	12/01/2003	Christopher P. Messina	1171.004US1	1287

21186 7590 06/20/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

PYO, MONICA M

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,351	Applicant(s) MESSINA ET AL.	
	Examiner Monica M. Pyo	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 are present for examination.
2. Claims 18-29 are not examined and claims 1-17 are rejected.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a computerized system for posting, collecting and providing access in the computer network environment, classified in class 707, subclass 10 "Distributed or remote access".
 - II. Claims 18-29, drawn to a computerized method for posting, collecting and granting users access, classified in class 707, subclass 9 "Privileged access".
4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I has a separate utility such as posting, collecting and providing one or more documents stored at a first database to one or more second database in the computer network; invention II has a separate utility such as posting, collecting and granting users access rights to documents stored on the first database. See MPEP § 806.05(d).
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. During a telephone conversation with Mr. Eduardo Drake on 5/23/2006 a provisional election was made without traverse to prosecute the invention of Group I, Claims 1-17. Affirmation of this election must be made by applicant in replying to this office action. Claims 18-29 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

9. The information disclosure statement (IDS) submitted on 1/27/2006 was filed and considered by the examiner.

Specification

10. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding Claim 12, this claim recites the limitation “the recited means”, but the specification does not disclose in detail regarding this limitation. More particularly, the

Art Unit: 2161

specification nor the independent Claim 5 do not disclose the term “recited” or “cited/citing/cite again”. Therefore, there is no proper antecedent basis for the claimed subject matter.

11. Claim 12 is objected to because of the following informalities:

- The term “the recited” should be changed to “a recited” since Claim 5 does not disclose the term “recited”.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 4-12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0848338 issued to Bunney et al. (hereafter Bunney).

Claim 1:

Regarding Claim 1, Bunney discloses a computerized system for automatically posting and retrieving information to and from databases on a computer network, the system comprising:

means for posting one or more first documents stored at a first database to one or more second databases in the computer network (pg. 3, lns. 15-21; pg. 7, lns. 55-58);

means for automatically collecting at the first database one or more second documents posted at one or more of the second databases in reply to one or more of the posted first documents (pg. 6, lns. 1-7 and 26-31); and

means for providing access at the first database to one or more of the automatically collected second documents, including means for excluding one or more of the second

documents, based on user- or administrator-defined criteria (pg. 8, lns. 8-16 and 35-38).

Claim 4:

Regarding Claim 4, Bunny discloses a computerized system comprising:

a first database accessible via a computer network (pg. 3, lns. 15-21);

means for incorporating data, based on user- or administrator-defined criteria, from one or more other databases into the first database (pg. 6, lns. 1-7); and

means for updating the user- or administrator-defined search criteria based on user interaction with data at the first database (pg. 6, lns. 8-11).

Claims 5, 14 and 15:

Regarding Claim 5, Bunny discloses a computerized system for automatically posting and retrieving information to and from sites on a computer network, the system comprising:

means, responsive to user-defined keywords or parameters, for automatically searching and retrieving documents from one or more first sites on the computer network on a periodic, scheduled, or event-driven basis, including (pg. 5, lns. 56-58; pg. 6, lns. 32-36):

means for using results of past searches to improve search results (pg. 8, lns. 23-28);

means for posting one or more of the retrieved documents to a second site (pg. 8, lns. 26-28 and 35-36);

means for allowing users of the second site to post documents to one or more of the first sites (pg. 2, lns. 42-52); and

means, responsive to users of the second site posting documents to one or more of the first sites, for automatically retrieving and collecting reply documents that are associated with the

Art Unit: 2161

posted documents on the one or more first sites, including means for excluding one or more of the reply documents based on user- or administrator-defined criteria (pg. 8, lns. 8-16 and 35-38).

Claims 14 and 15 are also rejected based upon the same reasoning as Claim 5.

Claim 6:

Regarding Claim 6, Bunny discloses the system wherein the means for posting one or more of the retrieved documents, includes:

means, responsive to an adjustable threshold, for including or excluding documents from the second site (pg. 8, lns. 42-43).

Claim 7:

Regarding Claim 7, Bunny discloses the system wherein the means for allowing users of the second site to post documents to one or more of the first sites, includes:

means for associating one or more of the posted documents with one or more of the retrieved documents (pg. 6, lns. 12-21).

Claim 8:

Regarding Claim 8, Bunny discloses the system further including means for allowing a user of the second site to define or select the keywords and parameters and/or the first sites (pg. 7, lns. 46-50; pg. 8, lns. 32-34).

Claim 9:

Regarding Claim 9, Bunny discloses the system wherein one or more of the posted documents is sponsored by a commercial entity (pg. 3, lns. 4-8).

Claim 10:

Regarding Claim 10, Bunny discloses the system wherein one or more of the posted documents concerns an offer to sell merchandise or other private property (pg. 3, lns. 9-11).

Claim 11:

Regarding Claim 11, Bunny discloses the system wherein one or more of the retrieved or posted documents comprises a hyperlink (Bunny: pg. 2, lns. 28-32).

Claim 12:

Regarding Claim 12, Bunny discloses the system wherein one or more of the recited means is implemented as a set of machine-executable instructions carried on an electronic, optical, or magnetic medium (Bunny: pg. 4, lns. 20-27).

Claim 16:

Regarding Claim 16, Bunny discloses a website or server including the computer-readable medium of claim 15 (pg. 2, lns. 5-11 and 15-21).

Claim 17:

Regarding Claim 17, Bunny discloses a personal computer system or other access device including the computer-readable medium of claim 15 (pg. 2, lns. 5-14).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2161

15. Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunny as applied to claims 1, 4-12 and 14-17 above, and further in view of U.S. Patent No. 6,292,796 issued to Drucker et al. (hereafter Drucker).

Claims 2 and 13:

Regarding Claim 2, Bunny discloses the system wherein the first and second documents

Bunny does not explicitly disclose documents concern medical or health information.

However, Drucker discloses medical literature, which corresponds to documents concern medical or health information (Drucker: col. 1, lns. 25-28 and 34-40).

It would have been obvious to a person with ordinary skill in the art at the time of invention to incorporate the Drucker's searching current and past literatures in a computer network environment into the Bunny's data communication system between client and server computers. Skilled artisan would have been motivated to incorporate the Drucker's teaching of searching medical journal articles in the Bunny's data communication system to search and obtain new medical articles written by other scientists (Drucker: col. 1, lns. 8-22).

Claim 13 is also rejected based upon the same reasoning as Claim 2.

Claim 3:

Regarding Claim 3, while Bunny discloses the system wherein the first and second displaying a newspaper (col. 6, lns. 51-54; col. 7, lns. 9-20) which possibly can contain articles and information about many different searching topics, Bunny does not explicitly disclose documents concern knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools,

Art Unit: 2161

science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex.

However, Drucker explicitly discloses: specific diseases (Drucker: col. 10, lns. 56-64).

It would have been obvious to a person with ordinary skill in the art at the time of invention to incorporate the Drucker's searching current and past literatures in a computer network environment into the Bunny's data communication system between client and server computers. Skilled artisan would have been motivated to incorporate the Drucker's teaching of searching medical journal articles in the Bunny's data communication system to search and obtain new medical articles written by other scientists (Drucker: col. 1, lns. 8-22).

Yet, Drucker does not disclose remaining searching topics of knees, hearts, lungs, allergies, HIV, specific body parts, cancer, lost children, cooking, sports, entertainment, celebrities, politics, law, restaurants, consumer products, motion pictures, videos, music recordings, corporations, government officials, criminal activity, schools, science, wines, beers, foods, professional service providers, colleges, alumni of educational institutions, genealogy, gossip, or sex.

Although Bunny and Drucker do not explicitly identify all of claimed searching topics, the Examiner takes an official notice that the claimed search topics are well known in the Internet searching art. Furthermore, the specific content of searching topics, whether the searching topic is just one or a plurality of topics, does not provide any patentable weight to claim.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon-Fri 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo
Examiner
Art Unit 2161

5/24/06


Camy Truong
primary Examiner